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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Darrrell T. McKenzie

Examiner: Terry K. Cecil

Serial No.: 09/965,806

Group Art Unit: 1723

Filed: October 1, 2001

Title: COMBINATION FILTER ELEMENT SUPPORT AND ANTI-PREFILL VALVE

REPLY BRIEF

Mail Stop: Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Appellant respectfully requests the Board to compare Appellant's Fig. 1 with Fig. 1 of Hultgren et al. '666. It is clear from this comparison that Appellant's structure and Hultgren et al. are substantially different in that Hultgren et al. requires four separate elements that must be assembled in order to configure the anti-drain back valve 46, whereas Appellant requires only a single unitary piece to 1) support the filter element 16 and 2) provide an anti-drain back and anti-prefill valve.

In Hultgren et al. there is no corresponding web portion, rather there is only an inturned rim 82 which fits within a slot 90 of the valve 76. In Hultgren et al. there is merely a vertically extending filter support 48 which has connections at both ends, one connection is with the rim 54 and the other connection is with the recess 90.

In claim 1, Appellant recites:

at the second end the plate portion (58) being supported in spaced relation to the end plate (24) only at the peripheral portion (59) of the plate portion (58).

This structure is not found in any of the references. In Hultgren et al. there is no plate portion in the form of a web portion. In Turman and Buckman et al. there is no structure corresponding to a plate portion (58) being supported in spaced relation to an end plate (24) only at the peripheral portion (59) of the plate portion (58).

It is respectfully submitted that while Turman '564 and Buckman et al. '023 disclose unitary valve elements, these references are not directed to the same structure as either Hultgren et al. or Appellant. Consequently, in order to sustain a rejection, one skilled in the art would have to modify Hultgren et al. in accordance with Appellant's teachings, rather than in accordance with suggestions or motivations provided by either Turman or Buckman.

Neither Turman nor Buckman disclose the following:

an axially positioned one-way valve unitary therewith [with the web portion] which opens in an axial direction toward the spin-on opening.

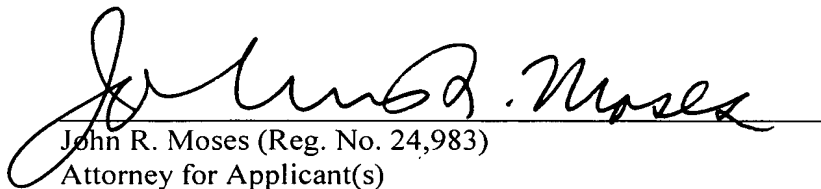
In Turman, the valve 78 opens away from the spin-on opening rather than toward the spin-on opening. Buckman has no corresponding structure because Buckman does not have an axial valve.

In claim 3, Appellant recites that the one-way valve is a purse valve and that the purse valve is positioned in a web portion and is unitary therewith. There is no disclosure in Hultgren et al. or in either Turman or Buckman of a web portion having a purse valve which is unitary therewith and is disposed therein.

The Reply Brief does not identify any of the aforementioned structural differences in the applied references. Accordingly, Appellant respectfully requests that the decision rejecting Appellant's claims as set forth in claim 1 and the claims depended there from and in claim 3 and the claims depended from claim 3 be reversed.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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